IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.225 OF 2004
IN
WRIT PETITION NO.1810 OF 2003

Northern India Co-operative Housing
Society Ltd.....Petitioners

Versus

State of Maharashtra & Ors..Respondents
Mr.Rajiv Narula i/b. P.V. Nichani & Co., for the Petitioenrs
Mrs. A.R. Joshi for Respondent Nos. 2 and 3.
Mr. S.G. Surana, for Respondent Nos. 4, 5 and 6.
Mr.I.G. Budhadev, for Respondent No.7.

CORAM: F.I. REBELLO, J.
DATE : 24th September,2004

P.C.:

1. The petitioners on account of subsequent events have moved this Court for amendment of the petition.

2. The main petition is directed against the order of the Slum Tribunal and the earlier order declaring a part of the area leased in favour of the petitioners as slum rehabilitation area. During the pendency of the petition the respondent No.4-Corporation has terminated the lease of the land part of which was forming the subject matter of the pending Writ Petition. It is in the light of that the present petitioners seek also to challenge the action of Respondent No.4 in terminating the lease.

3. It is true that to some extent there may be misjoinder of causes of action. However, if the petitioners is called upon to file an independent petition the effect would be to stay the present petition NO.1810 of 2004 until the petition filed by the petitioners challenging the termination of lease is heard and decided. Considering the fact that all parties and parties to the present proceedings it would be in the interest of justice that the petitioners are permitted to

amend the present petition to challenge also the order terminating the lease as part of the land is forming subject matter of the present petition. In the light of that Chamber Summons made absolute in terms of prayer clause (a). Amendment to be carried out within two weeks from today.

4. There is an ad-interim order. That order to continue for a further period of three weeks in order to enable the petitioners to take further action.

5. Petition to be placed for admission after amendment is carried out.

(F.I.REBELLO, J.)